

# **LONG-TERM-CARE COORDINATING COUNCIL**

## **Full Council Meeting**

**Wednesday, December 8, 2004**

**Room 313 – State House**

**Providence, Rhode Island**

**10:00 a.m. to 11:30 a.m.**

## **Meeting Minutes**

**The meeting was called to order at 10:10 a.m. by Chairman Fogarty.**

**In attendance were:**

**Lt. Gov. Charles Fogarty, Chairman**

**Anna Tucker, Co-Vice Chair**

**Maureen Maigret, Executive Director Dr. Louis Marino, Jr.**

**Mary Benway Kathy McNamee**

**Kathleen McKeon (representing Dir. Russo) Angelo Rotella**

**Cynthia Conant-Arp Ray Rusin**

**Dr. Herbert Constantine Al Santos**

**Bob DiCenso Bonnie Sekeres**

**Jim Flanagan Karen Smith**

**Dick Freeman Susan Sweet**

**Sr. Marietta Walsh Cindy Soccio**

**John Young (representing Dir. Hayward) Steven Jennings (rep. K. Connell)**

**Guests:**

**Paula Parker Patricia Molloy Susan Leone**

**Jeff Mason Roberta Merkle Kathleen Kelly**

**Rebecca Therriault Chris Novak Marie Ganim**

**John McLaughlin Joan McLaughlin John Gage**

**Mark Lescault**

**Approval of Minutes of November 10, 2004 – Chairman Fogarty noted that council member Anna Tucker should be added to the minutes (as they were distributed) as being in attendance. Upon motion of Mr. Freeman seconded by Ms. Sekeres the minutes of the November 10, 2004 meeting as amended were unanimously adopted.**

**Chairman's Report –**

**2005 Meeting Schedule. Chairman Fogarty noted that the meeting schedule has been distributed. (See Attachment #1)**

**Nursing Facility Closure Task Force Report. Chairman Fogarty reported that the task force report was issued on November 22nd. He thanked all members of the council and others who served on the task force for their hard work. He also noted that he testified before the Permanent Joint Committee on Health Care Oversight on November 29th regarding the report. Chairman Fogarty indicated he would be working with the members of the Joint Committee on Health Care Oversight, the Attorney General and others in moving forward to implement the reports' 42 recommendations. The Chairman noted the fine work of Executive Director Maureen Maigret in preparing the**

report.

**RI HEALTH Monthly Survey Report – Ray Rusin, Chief Office of Facility Regulations - DOH (See Attachment # 2).**

**Mr. Rusin reported that there would be a meeting with the management of Oakland Grove Nursing Home this afternoon with representatives of Health, DHS and the Long-Term Care Ombudsman Program. He expected the nursing home would be hiring new management and reported that the nursing home has entered into a contract with Quality Partners of Rhode Island to provide consultation on quality issues. John Young (DHS) noted that the Medicaid state plan was modified this year to allow exemptions on a case by case basis from the dual certification provisions relating to Medicare and Medicaid. Mr. Young also noted that historically CMS has imposed enforcement actions which could lead to termination from the Medicare program but that in most instances a nursing home has been able to come into compliance and avoid this termination action. However, the amendment to the state plan would allow a home to continue under Medicaid certification if the federal government made such a determination regarding Medicare. Mr. Rusin reported that in regard to Harborside Greenwood the facility was still not in substantial compliance. He also reported that Haven Health had corrected many of the issues and a follow-up survey was pending. Dr. Constantine noted that the report prepared for the Long-Term-Care Coordinating Council for substandard care was being provided to the State Board of Medical Licensure and Discipline. He discussed the report at a recent meeting and noted that**

the Board would be communicating with two medical directors regarding information contained in the report. Mr. Rusin noted that Health is now notifying medical directors and attending physicians at the same time as a facility whenever substandard care is found. This would avoid the time lapse associated with these persons getting the reports in the past. There was discussion as to whether the reports should also be provided to the State Board of Nursing Education and Registration and the Board of Examiners for Nursing Home Administrators.

#### **Report on Assisted Living Waiver – John Young, Associate Director DHS**

Mr. Young noted that when DHS started to look at the waiting list for assisted living in the aftermath of the court decision it had two goals. The first was to address the service needs for persons on the waiting list and the second was to make the state's home and community care waivers more transparent. After careful examination, Mr. Young said it looked as if trying to reach the second goal could make the situation more confusing and more complex especially as it relates to CMS requirements regarding post-eligibility treatment of income. It was decided at this time not to amend the DHS A&D waiver but rather to use the DEA community care waiver and increase the payment rate to assisted living residences from \$23 per day to \$35.40 per day. This brings the total amount to about \$1,700 per month. The Governor's supplementary budget includes sufficient funds to allow between 100-125 slots for assisted living in the DEA waiver. This may bring

that waiver to full capacity which would have to be addressed. Mr. Young said that there will need to be continued discussions as the state moves forward on the issue of financing assisted living. Mr. Flanagan noted that he appreciated the hard work of DEA and DHS and others on this matter and that this was a good step in the right direction.

#### **Committee – Project Report – Commission Reports**

**Fall Prevention Partnership – Ms. Maigret** noted that the Department of Health Task Force on Senior Fall Prevention which includes many members of the Long-Term Care Council Fall Prevention Partnership would next meet on December 16th at 2:00 p.m. at AARP headquarters. Ms. Maigret also noted that Quality Partners of Rhode Island would be sponsoring a forum on fall prevention in nursing homes on February 9, 2005 with a nationally noted speaker on the subject and that RICHA and RIAFSA would be involved . Ms. Maigret asked Ms. Sekeres to report on her grant to develop a model fall prevention program in senior housing. Ms. Sekeres reported that Dr. Patricia Burbank from the URI College of Nursing was the principal investigator for this grant which involved home assessment, pre and post testing using the "get up and go test" and exercise with emphasis on the New Step exercise machine and Tai Chi. Ms. Sekeres noted that her grant is for one year but she hopes to have an additional grant to continue to work in this area. She noted that residents of the apartments are very excited about the project and participation in the exercise program is projected to be quite good. Ms. Maigret noted that the final activity for the fall prevention

partnership would be a spring forum sponsored by the LTCCC on behavior modification and fall prevention. Dr. Patricia Burbank has agreed to be the main presenter for the program which is being done in response to areas of interests that were noted at the May 2004 forum. Ms. Maigret called for co-sponsors to join the LTCCC in presenting this forum.

#### **LTCCC Budget Report FY2004 – Ms. Maigret**

Ms. Maigret noted that requests had been made to all departments for the various

data elements needed to produce the report.

#### **C. Legislation Subcommittee – Ms. Maigret**

Ms. Maigret reported that she is targeting that a meeting would be scheduled for January 5, 2005 to begin work on the Council's legislative program for 2005. Anyone with ideas for legislation and those wishing to be a continued or new member of this committee should let Ms. Maigret know.

#### **2004 Work Plan – Status Report – Ms. Maigret and LTCCC Members (See Attachment #3)**

Ms. Maigret reviewed the 2004 Work Plan noting status on its various Action Items and what items would be continued in 2005. There was much discussion relative to the staff resource needs of the Office of

**Facility Regulation. Mr. Rusin pointed out that the additional surveyor for assisted living was in the process of being filled. There were 52 applicants of whom 12 are being interviewed. He expected the position would be filled sometime in January. Mr. Rusin noted that the workload needed to comply with mandates for nursing home surveyors equates to 25 FTEs. He also noted that if all these positions are filled than this would be adequate. However, his problem is that there are inadequate resources in his office to fulfill other obligations of the office which present a problem. Also, when the workload for nursing homes increases due to extraordinary circumstances, that impacts the workload of the rest of the office. Lt. Governor Fogarty raised an issue that the Department of Health is sending mixed messages on its FTE needs and that they really need to clarify the situation. He noted that a 2003 report done for the Administration's Fiscal Integrity & Accountability Report showed that there were resource gaps for the Office of Facility Regulation but that nothing had been done about that. Mr. Young raised the issue that with the several reports out from the Governor's office, the LTCCC task force and now the Joint Committee it might be suggested that there would be a need to organize the Office of Facility Regulation workload differently and that this would impact projections regarding resource needs.**

**Ms. Maigret noted that she would defer discussion of the utilization of services by minority elders as she and Ms. Sweet were still collecting data on this topic.**

**During the discussion about the Medicare Modernization Act, Mr.**



Young noted that he had recently attended a two and one-half day meeting with Medicaid directors from across the country and CMS to discuss implementation of MMA come January 2006. He reported that nothing is firmed up as of now but that enrollment is projected to begin in September 2005. However, final rules may not be available until August 2005. This will create extreme difficulties for states across the country. Mr. Rotella raised the issue of the Medicare Modernization Act prescription drug program and that its freedom of choice provisions may have horrendous effects on long-term care facilities and this is something that his national association is carefully watching.

On Item #11, Mr. Young reported the information system is being referred to as the "CHOICES Data Module" and the money is still budgeted in the DHS budget for FY2005 and DHS hopes to release the RFP in January.

On Item #12, Ms. McKeon reported that the web-site for the Aging and Disability Center is up and running. Although it is not yet fully functional for doing searches or on-line benefits screening it contains all the information from the DEA Pocket Manual and much information regarding services for persons with disabilities. The site is: <http://adrc.ohhs.ri.gov>

On Item #16, Mr. Young reported that the PACE project is on track with several more Chapters completed. DHS has requested funding for the first year of implementation in the FY2006 budget and will be preparing the Medicaid plan amendment.

**Presentation: "Healing Homes" – Jeff Mason, Founder and President  
See Attachment #4.**

## **IX. Announcements and Public Comments**

**There were no public announcements or public comments. .**

## **XIII. Adjournment**

**The meeting adjourned at 11:35 a.m. The next meeting is scheduled**

**for Wednesday, January 12, 2005 at 10:00 a.m. in Room 313 – State  
House.**